



## PLANNING BOARD

### RULES OF PROCEDURE

#### 1.1 GENERAL

- A. The Planning Board of the Town of Exeter is legally established and appointed under the provisions of RIGL 45-22 and the Exeter Town Charter section 701.
- B. Unless otherwise stipulated in these Rules of Procedures, or in the Town of Exeter Land Development and Subdivision Regulations of the Planning Board, all meetings and hearings will be conducted in accordance with these Rules of Procedures and the Rhode Island Open Meetings Law. The provisions of the Land Development and Subdivision Regulations and the provisions of Chapter 45-22 of the General Laws of Rhode Island as amended shall govern all actions of the Exeter Planning Board.

#### 1.2 ADMINISTRATIVE CALENDAR

- A. Notice for all hearings and meetings shall conform to requirements of law.
- B. The Planning Board shall annually review both the activities and budget of the previous year, decide the work program for the coming year, and prepare a report to the Town Council of its activities, budget needs and other requirements.
- C. The meeting schedules for the coming calendar year shall be determined annually, and amended as needed and determined by the Planning Board.
- D. Copies of the agenda, requests, staff reports, and related documents shall be delivered to each Planning Board member prior to a public hearing and meeting 3 days prior.

#### 1.3 CONDUCT OF THE MEMBERS OF THE PLANNING BOARD

- A. Members of the Planning Board shall take such time as necessary to prepare themselves for hearings and meetings.
- B. Any member of the Planning Board absent from three consecutive meetings or any four meetings within a calendar year, without being excused by the Chairperson, may be referred to the Town Council for possible action.
- C. A Planning Board member with a possible conflict of interest with an item before the Planning Board shall immediately recuse himself or herself as a Board member and withdraw from participation in the public hearing, working session, emergency meeting, or active meeting on that item. The member shall notify the Planning Board Clerk in writing, and submit written notice as per Rhode Island Ethics Commission and Town policy.

#### 1.4 CONDUCT OF PERSONS BEFORE THE PLANNING BOARD

- A. During all public hearings and working sessions of the Planning Board, the public may be present but shall remain silent unless specifically invited by the Chairperson to provide comment. All comments should be addressed to the Chairperson relative to the item before the Planning Board.
- B. During all Planning Board proceedings, members of the public have the obligation to remain in civil order. Any conduct which interferes with the equitable rights of another to provide comment or which interferes with the proper execution of Planning Board affairs may be ruled by the

Chairperson as "out-of-order" and the offending person(s) directed to remain silent. Once having been so directed, if a person(s) persists in disruptive conduct, the Chairperson may entertain a motion to "eject" from the Planning Board hearing or meeting, and which must be approved by a majority vote of the Planning Board. Where the person(s) fails to comply with the successful motion to eject, the Chairperson may then call upon civil authority to physically remove the individual(s) from the chamber.

**1.5 OFFICERS**

- A. At the active meeting in August of each year, the Planning Board shall organize by electing from its membership a Chairperson and Vice-Chairperson by majority vote. The Chairperson or the Town Planner shall be designated as the Administrative Officer as provided by the Land Development and Subdivision Regulations.
- B. In the event of vacancy of an officer of the Planning Board, at the first meeting thereafter, such vacancy shall be filled by a vote of the full Planning Board.
- C. The Planning Board may designate a Liaison to the Zoning Board of Review, who shall be a member of the Planning Board, for the sole purpose of improving coordination between each Board.

**1.6 PLANNING BOARD OFFICERS AND THEIR DUTIES**

- A. The Chairperson shall preside at all meetings and hearings of the Planning Board, assure proper order of the Planning Board and the public in all proceedings and shall decide all points of order and procedure in consultation with the Solicitor, may administer oaths and compel attendance of witnesses, certify all actions in conducting meetings of the Planning Board, sign all documents of the Planning Board, prepare the agenda of the Planning Board with the Town Planner, call special meetings and appoint any necessary committees, make any assignments required in discharging the duties of the Planning Board, represent, or designate a Planning Board member to represent the Planning Board before legislative and administrative bodies, or exercise any general supervisory powers. The Chairperson shall at each meeting report on any correspondence and other transactions that have not otherwise been brought to the attention of the Planning Board.
- B. The Vice-Chairperson in the absence of the Chairperson, shall act as Chairperson and shall have all the powers and duties of the Chairperson whenever the Chairperson is absent, disabled or otherwise unable to perform his/her duties.
- C. Where both the Chairperson and Vice Chairperson are absent from a hearing or meeting, the remainder of the active members of the Planning Board shall elect a Chairperson-Pro-Tem from among their own number by majority vote.

**1.7 SUPPORT TO THE PLANNING BOARD AND THEIR DUTIES**

- A. Clerk: The Planning Board will have a Clerk who is responsible for the preparation of all official instruments of the Planning Board, the tape-recording of proceedings of all hearings and meetings, the preparation of the minutes of the Planning Board's hearings and meetings, and the proper indexing and posting of notices of all Planning Board documents as public records.
- B. Consultants: The Planning Board may hire consultants from the pre-qualified list, in accordance with town regulations, under terms of contract prepared by the Chairperson and/or Town Planner and approved by the Planning Board.
- C. Legal Counsel: The Town Solicitor shall serve as legal counsel to the Planning Board; prepare memoranda of law as requested by the Planning Board; and review drafts of ordinances, resolutions, and procedures, and their amendment etc.

- D. Town Planner: Advise the Planning Board and Town Council on matters related to planning, development, and redevelopment, coordinate and supervise the work of all other staff and consultants; prepare all documents for presentation to the Planning Board and Town Council; and assist the Chairperson and Clerk in the exercise of their duties and shall act as the Administrative Officer.
- E. Future Planning Board Staff: The Planning Board may appoint other staff members to carry-out appropriate functions or assignments as may be authorized by the Town Council.

1.8 **HEARINGS OF THE PLANNING BOARD**

- A. Public Hearing and Informational Meeting - A noticed official hearing called pursuant to the Land Development and Subdivision Regulations, the express and limited purpose of which is to provide equitable opportunity for the public to speak on matters before the Planning Board, for which publicly accessible minutes or transcripts must be prepared; the Planning Board shall neither deliberate nor make substantive vote during a public hearing.
- B. The order of business of all public hearings and informational meetings of the Planning Board may be as follows:
  1. Sign-in sheets by agenda item, listing printed name, signature, address of persons wishing to testify (Indication of support or opposition to items may be required).
  2. Call to order and determination of quorum and proper notice of hearing or meeting.
  3. Motion to open hearing or meeting.
  4. Overview or presentation by the staff summarizing item.
  5. Presentation by the applicant.
  6. Comments and questions of the Planning Board, staff and consultants to the Planning Board.
  7. Testimony of Town of Exeter officials, boards, and commissions related to the item, order and time constraints determined by the Chairperson.
  8. Comments and questions by the public.
  9. Brief response by applicant, if appropriate at discretion of Chairperson.
  10. Request of the Chairperson for a motion to close or continue the hearing or meeting.

1.9 **MEETINGS OF THE PLANNING BOARD**

- A. Work Session: A noticed official meeting open to the public, but generally not for public comment, to discuss specific matters before the Planning Board, but the Planning Board may make a substantive vote on items on the agenda as it deems appropriate; the primary intent of the working session is informational. Also, the Planning Board may assist the Chairperson and Town Planner in establishing the agenda for the next active meeting.
- B. Regular Meeting: A noticed official meeting, open to the public, during which the Planning Board deliberates and may make substantive vote on specific items.
- C. Executive Meeting - A noticed official meeting, closed to the public, whose topics of deliberation are truly confidential in nature, in accordance with state law.
- D. All hearings and meetings of the Planning Board shall be open to the public as required in Chapter 42-46 of the General Laws of Rhode Island, as amended. Closed meetings may be held only in accordance with the requirements of Sections 4 and 5 of said Chapter 42-46.
- E. Regular meetings of the Planning Board shall start at 6:30PM and end not later than 9:30 PM unless voted-on to extend. Hearings shall be held on active meeting nights unless deemed

impractical because of scheduling conflicts or time constraints, and when a hearing is continued to another date.

- F. A regular meeting or hearing may be continued to another date by a vote of the majority of the members of the Planning Board and no further public notice shall be required provided the time, place and date of the resumption of the meeting or hearing is announced at the time of continuance and is not subsequently changed.
- G. The order of business of all active meetings of the Planning Board shall be as follows:
  - 1. Call to order and determination of quorum.
  - 2. Old business including public hearings carried over from earlier meetings.
  - 3. New business including public hearings on new applications.
  - 4. Acceptance of minutes of prior meetings.
  - 5. Communications.
  - 6. Other business.
  - 7. Adjournment.
- H. A quorum shall be a minimum of three (3) members. A decision by the Planning Board to approve any application requires a vote for approval by a majority (3) of the Planning Board membership.
- I. Alternate Members - The Board shall include two (2) alternate or auxiliary members. Both alternate members shall sit and actively participate in hearings. In the absence of a regular member, one alternate member shall sit and vote upon invitation of the Chairperson. In the absence of two regular members, both alternate members shall sit and vote upon invitation of the Chairperson. Alternates may vote on administrative issues.
- J. Notice of public hearings and meetings shall be given by the Clerk of the Planning Board in accordance with the requirements of Rhode Island State Law 45-23-25.

#### 1.10 **FORM AND CHARACTER OF MOTIONS**

- A. The form and character of motions shall conform to those offered within Robert's Rules of Order, Newly Revised, 10<sup>th</sup> Edition as amended, except as specified below.
- B. Upon review of the full public record and due deliberation among the members of the Planning Board, any of its members, including the Chairperson, may make a motion. The motion may include not only direction (Approval, Approval with specified conditions, or Disapproval) but also a recitation of findings that support the motion.
- C. A second shall be required.
- D. Other Planning Board members may support the motion with other compatible findings.
- E. After a motion is made by the Planning Board, no person shall address the Planning Board unless recognized and permitted at the discretion of the Chairperson.

#### 1.11 **REPETITIVE APPLICATIONS AND WITHDRAWALS**

- A. The Planning Board will not accept a second application that is substantially similar to an application which has been adversely decided for a period of one (1) year from the date of the posting of the decision on an earlier application unless facts are presented to the Planning Board indicating a substantial material change in conditions or circumstances relating to the original application.
- B. Upon good cause shown by the applicant the Planning Board may grant leave to withdraw without prejudice. In such cases, the Planning Board may immediately set a date for a continuance, if requested to do so. If no continuance is requested or if the Planning Board denies a continuance,

the application must be re-filed and re-advertised and the filing fee paid again. The filing fee will not be refunded.

**1.12 DECISION**

- A. No decisions shall be made by the Planning Board without proper and complete application in accordance with provisions of the Land Development and Subdivision Regulations.
- B. Findings and decisions of the Planning Board will be made in accordance with the requirements the Land Development and Subdivision Regulations. Notification of findings and decisions shall be forwarded to the applicant, the Zoning Inspector, Building Inspector, the Zoning Board, and Town Council, and shall be posted in the Town Hall.
- C. The Planning Board's conclusions and reasons for its conclusions must be set out in a written decision signed by the Chairperson or Administrative Officer. The effective date of the decision is the date it is filed with the Clerk of the Planning Board and posted at the Town Hall. The decision of the Planning Board is a public record and shall be available for public inspection.
- D. Whenever a decision requires plans to be subsequently approved by the Planning Board, the sole purpose of such approval is to ensure that the applicant understands and has complied with the Planning Board's decision. Accordingly, unless the Planning Board otherwise determines, neither such approval, nor approval of a non-substantial departure from plans submitted and approved, shall require notice or public hearing. The Planning Board's approval may be evidenced by the signature of the Chairperson or Administrative Officer.
- E. Any decision by the Planning Board may be modified by its author(s) without reapplication or public hearing in order to correct typographical or other clerical error, upon approval by the Chairperson.

**1.13 WAIVER OF PROCEDURAL RULES**

- A. Any provision of these rules may be waived at any time by unanimous vote of the active or active participating members of the Planning Board, unless the waiver is inconsistent with governing laws.

**1.14 SEVERABILITY**

- A. Should any article of the Planning Board Rules of Procedure be found to be illegal, the remaining articles shall remain in effect.

**1.15 ADOPTION AND AMENDMENT OF RULES OF PROCEDURE**

- A. These Rules of Procedure may be amended at any time as needed and determined by the Planning Board.
- B. The Rules of Procedure adoption or amendment shall be made following prior notice of public meeting, at which the Rules of Procedure shall be adopted or amended upon a vote of a majority plus one of the active members of the Planning Board.
- C. Adoption or amendment of the Rules of Procedure shall take effect immediately upon passage.
- D. These Rules of Procedure were adopted by the Exeter Planning Board on June 12, 2001.
- E. These Rules of Procedure were amended by the Exeter Planning Board on July 12, 2005 to include an Annual Planning Award.

**1.16 ANNUAL PLANNING AWARD**

- A. Exeter Planning Board Award of Excellence
  - 1. Purpose: To recognize and encourage outstanding planning achievements or development projects that are exemplary and serve to consistent with the rural character of Exeter.

2. Categories: Residential, Commercial, Institutional, Open Space Preservation.
3. Eligible Projects: Projects or planning achievements completed within the past three years of the date of the award are eligible unless otherwise determined by the Planning Board.
4. Nomination Process: Any member of the Planning Board may make a nomination for an eligible project or achievement. The Planning Board may take suggestions from members of the public for nominations. A simple majority vote of the Planning Board is needed to accept a nomination for further consideration.
5. Selection Criteria:
  - a. The development project, achievement, or activity significantly exceeds the requirements of the Exeter Zoning, and Subdivision Regulations in implementing the Town of Exeter Comprehensive Plan.
  - b. The development project, achievement, or activity is an outstanding model establishing a positive precedent for others emulate.
  - c. The development project, achievement, or activity advances the Comprehensive Plan goal to preserve/restore the rural character of the Town of Exeter.
  - d. The Exeter Planning Board Award of Excellence shall be decided by a simple majority vote of the Planning Board based on the selection criteria.
6. Timing: Eligible development projects, achievements, or activities shall be awarded on annual basis contingent upon available qualifying nominations meeting the selection criteria.

END OF RULES OF PROCEDURE